

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

USC IP PARTNERSHIP, L.P.,

Plaintiff,

V.

FACEBOOK, INC.,

Defendant.

[illegible]

Civil Action No. 6:20-cv-00555-ADA

JURY DEMAND

AMENDED SCHEDULING ORDER

Pursuant to the Standing Order Regarding Updated Order Governing Proceedings – Patent Cases (Dkt. No. 22) and the Order Governing Proceedings for Patent Cases (OGP version 3.5), the Court hereby **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

Date	Item
Friday, September 4, 2020	Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

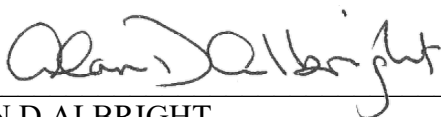
Date	Item
	each patent in suit.
Friday, September 25, 2020	Deadline for Motions to Transfer.
Friday, October 30, 2020	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe.
Friday, November 20, 2020	Parties exchange claim terms for construction.
Tuesday, December 1, 2020	Parties exchange proposed claim constructions.
Tuesday, December 8, 2020	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefor. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
Monday, December 14, 2020	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
Friday, December 18, 2020	Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite.
Friday, January 8, 2021	Defendant files Responsive claim construction brief.
Monday, January 18, 2021	Plaintiff files Reply claim construction brief.
Thursday, January 28, 2021	Defendant files Sur-Reply claim construction brief.
Wednesday, February 2, 2021	Parties submit Joint Claim Construction Statement. In addition to filing, the parties shall jointly submit, via USB drive, Box

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	(not another cloud storage), ² or email to the law clerk, pdf versions of all as-filed briefing and exhibits. Each party shall deliver to Chambers paper copies of its Opening, Response, and Reply Markman Briefs, omitting attachments. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
Friday, February 19, 2021	Parties submit optional technical tutorials. The parties shall also jointly submit, via USB drive, Box (not another cloud storage), or email to the law clerk, pdf versions of all as-filed briefing and exhibits.
Friday, March 5, 2021	Markman Hearing at 9:00 a.m.
Monday, March 8, 2021	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
Friday, April 16, 2021	Deadline to add parties.
Friday, May 21, 2021	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims.
Monday, May 24, 2021	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
Thursday, June 24, 2021	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
Thursday, July 22, 2021	Close of Fact Discovery.
Monday, August 2, 2021	Opening Expert Reports (damages).
Friday, August 6, 2021	Opening Expert Reports (technical).
Friday, September 3, 2021	Rebuttal Expert Reports.
Friday, September 17, 2021	Close of Expert Discovery.
Friday, September 17, 2021	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art

² To the extent a party wishes to use cloud storage, the parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

Date	Item
	references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
Friday, October 1, 2021	Dispositive motion deadline and Daubert motion deadline.
Friday, October 8, 2021	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
Monday, October 18, 2021	Serve objections to pretrial disclosures/rebuttal disclosures.
Monday, October 25, 2021	Serve objections to rebuttal disclosures and File Motions in limine.
Thursday, November 11, 2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine
Monday, November 8, 2021	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com
Thursday, November 18, 2021	Deadline to meet and confer regarding remaining objections and disputes on motions in limine.
Friday, November 26, 2021	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.
Thursday, December 2, 2021	Final Pretrial Conference. The Court expects to set this date at the conclusion of the Markman Hearing. Per the Court's communication, to the extent that the parties would like to move the trial date (to an earlier or later date), the parties may raise that at the Markman hearing.
Monday, December 13, 2021	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the Markman Hearing. Per the Court's communication, to the extent that the parties would like to move the trial date (to an earlier or later date), the parties may raise that at the Markman hearing.

SIGNED this 2nd day of November, 2021.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE